United Nations CTOC/COP/2014/3

Conference of the Parties to the United Nations Convention against Transnational Organized Crime

Distr.: General
19 June 2014

Original: English

Seventh session
Vienna, 6-10 October 2014
Item 2 (b) of the provisional agenda*
Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

Activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

Report of the Secretariat

I. Introduction

1. The present report seeks to inform the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, at its seventh session, of the activities of the United Nations Office on Drugs and Crime (UNODC) to promote and support the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

2. The Trafficking in Persons Protocol has a total of 159 parties. Since the sixth session of the Conference of the Parties in October 2012, Côte d'Ivoire, Cuba, Dominica, Saint Lucia, Thailand and Zimbabwe have become parties to the Protocol.

* CTOC/COP/2014/1.

V.14-04110 (E) 300614 010714

Please recycle

II. Activities to assist States in the implementation of the Protocol

3. In 2012, UNODC adopted a comprehensive strategy to combat trafficking in persons and smuggling of migrants, focusing on the following areas: (a) provision of technical assistance for the implementation of the Trafficking in Persons Protocol and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime; (b) support for inter-agency cooperation and coordination; and (c) management of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children.

4. Based on this strategy, UNODC continued to provide significant support to Member States in their efforts to implement the Trafficking in Persons Protocol, both through advancing normative work and implementing technical assistance activities.

A. Normative work, servicing intergovernmental bodies and inter-agency cooperation and coordination

5. In order to foster synergies through partnerships, UNODC provided strategic and substantive support to intergovernmental bodies and processes and continued to cooperate closely with other United Nations agencies, as well as regional and non-governmental organizations, in promoting the objectives of the Trafficking in Persons Protocol.

1. Conference of the Parties to the United Nations Convention against Transnational Organized Crime

6. UNODC serviced and substantively supported the Working Group on Trafficking in Persons, established by the Conference of the Parties. Three background papers were drafted to facilitate policy discussions during the fifth session of the Working Group, held from 6 to 8 November 2013 in Vienna. The first background paper contained an analysis of key concepts of the Trafficking in Persons Protocol, with a focus on consent (CTOC/COP/WG.4/2013/2). The second background paper addressed good practices and tools for reducing demand for trafficking in persons, including by fostering public-private partnerships (CTOC/COP/WG.4/2013/3). The third paper explored forms of exploitation that are not specifically mentioned in the Trafficking in Persons Protocol but that have arisen in national, regional or international contexts or practice (CTOC/COP/WG.4/2013/4).

2. Commission on Crime Prevention and Criminal Justice

7. Regarding the Trafficking in Persons Protocol, the Commission on Crime Prevention and Criminal Justice, at its twenty-second session, recommended for adoption by the Economic and Social Council a resolution on implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons, which was adopted by the Economic and Social Council as resolution 2013/41. At its twenty-third session, the Commission adopted resolution 23/2, on preventing and

combating trafficking in human organs and trafficking in persons for the purpose of organ removal.

8. In a side event held during the twenty-third session of the Commission, UNODC and the European Union presented information on their joint cooperation in the area of trafficking in persons and the smuggling of migrants.

3. Activities of the General Assembly

9. UNODC provided substantive contributions to the high-level meeting of the General Assembly on the appraisal of the United Nations Global Plan of Action to Combat Trafficking in Persons, held from 13 to 15 May 2013, which was organized by the President of the General Assembly in order to assess developments in the implementation of the Global Plan of Action, adopted by the General Assembly in its resolution 64/293.

10. UNODC also actively engaged in the second High-level Dialogue on International Migration and Development, held on 3 and 4 October 2013. In a panel presentation, UNODC highlighted the need to prevent and combat trafficking in persons and to adopt measures to ensure respect for and protection of the human rights of all migrants and, in particular, vulnerable groups, such as women and children. UNODC also participated in a side event organized by the Office of the High Commissioner for Human Rights (OHCHR), which focused on human rights in the context of international borders. In addition, UNODC played an active role in a brainstorming session entitled "Implementation of the Global Plan of Action to Combat Trafficking in Persons: what next?".

11. At its sixty-eighth session, the General Assembly adopted resolution 68/192, on improving the coordination of efforts against trafficking in persons, in which it decided, in the context of the need for raising awareness of the situation of victims of trafficking in persons and for the promotion and protection of their rights, to designate 30 July as the World Day against Trafficking in Persons, to be observed every year beginning in 2014. In accordance with that resolution, UNODC has planned a number of outreach activities to increase awareness of trafficking in persons.

4. Inter-Agency Coordination Group against Trafficking in Persons

12. UNODC acts as the designated coordinator and secretariat for the Inter-Agency Coordination Group against Trafficking in Persons. The Group held an increased number of meetings and consultations during the 2012-2014 period, through which it continued its work to improve cooperation and coordination between United Nations entities and other international organizations.

13. The Group made significant progress in developing its work methods and governance structure through the adoption of terms of reference that institutionalized a rotating chairmanship and established a working group, composed of six member organizations, as the decision-making body of the Group. A plan to guide the work of the Group on an annual basis, starting from 2014, was also elaborated.

14. In 2013, the Group launched a series of policy papers, to be jointly developed by entities of the Group, examining key issues that have been identified as critical

challenges for the international community in the fight against trafficking in persons in the coming decade. A first paper, entitled "The international legal frameworks concerning trafficking in persons", was published in 2013; a second paper, entitled "Preventing trafficking in persons by addressing demand", is expected to be published in 2014.

15. In 2014, the Group will seek to operationalize its policy work on a regional basis and to launch a stand-alone website. Other goals include increasing the visibility of the Group by holding briefings for Member States more regularly and commencing work on a policy paper with the working title of "Evaluating anti-trafficking in persons responses".

5. Global Migration Group

16. UNODC is a member of the Global Migration Group, an inter-agency group which brings together heads of agencies to promote the wider application of all relevant instruments relating to migration and encourages the adoption of more coherent, comprehensive and better-coordinated actions.

17. During its chairmanship of the Global Migration Group in the second half of 2012, UNODC strengthened the cooperation capacity of the Group, through, inter alia, the successful conduct of an internal review of the Group since its establishment, and by strengthening links between the Group and the Global Forum on Migration and Development. The UNODC chairmanship also resulted in a thematic paper of the Group on the topic of "Exploitation and abuse of international migrants, particularly those in an irregular situation: a human rights approach".

18. Since the end of its chairmanship, UNODC has remained active and committed to the Group, for instance through its contribution to joint statements, papers and events on migration-related issues, including the United Nations post-2015 development agenda.

B. Technical assistance

19. In addition to normative work and active involvement in global inter-agency cooperation and coordination, the UNODC global programmes on trafficking in persons provide, in response to requests from Member States, expertise in the following key areas: (a) legislative assistance; (b) criminal justice responses and international cooperation; (c) data collection and research; (d) prevention and awareness-raising; and (e) victim protection and support.

20. Since 2012, UNODC has provided technical assistance on trafficking in persons and smuggling of migrants to more than 80 countries in all regions of the world, promoting national, regional and interregional responses in addressing both issues. Through these activities, UNODC seeks to promote a gender perspective which addresses the particular situation of women and girls as victims, offenders and criminal justice professionals.

1. Legislative assistance

21. UNODC continued to provide Member States with tailor-made, specialized legislative assistance to help develop effective national legislation in line with the

requirements of the Trafficking in Persons Protocol. UNODC carried out assessments of legislative needs, supported the drafting of legislation to operationalize the Protocols and trained legal drafters for that purpose.

22. UNODC has developed various tools, such as the 2009 Model Law against Trafficking in Persons, for both common-law and civil-law jurisdictions. These tools are disseminated and used as training and reference materials during technical assistance activities; they are available on the UNODC web page.

23. Responding to specific requests, UNODC provided legislative assistance and guidance to a range of countries and legal systems, including Chad, Colombia, Georgia, the Lao People's Democratic Republic, Libya, Mexico, Morocco, Pakistan, Panama, Peru, Seychelles, Swaziland and Zimbabwe. The approach of UNODC to technical assistance with respect to legislative reform is comprehensive, including both the regional and the national levels and often sequencing activities during the various stages of the legislative reform.

24. In November 2012, UNODC conducted an assessment mission on legislation to combat trafficking in persons and on activities in the Congo, resulting in a comprehensive report which was shared with the Congolese authorities in December 2012. The report was followed by an initial training session for criminal practitioners in Brazzaville in February 2013 and the facilitation of the first meeting of the legislative drafting committee in March 2013. At the end of July 2013, in cooperation with the Ministry of Justice of Congo, UNODC organized a validation workshop with respect to the draft legislation to combat trafficking in persons. At the conclusion of the process, the draft law was approved by the 40 participants from different ministries, the Presidency, the general secretariat of the Government, civil society, the legal profession and law enforcement.

25. In January 2013, UNODC conducted a legislative assistance workshop for more than 40 members of the committee preparing draft national legislation in Yemen to counter trafficking in persons, as well as for the National Technical Committee for Combating Human Trafficking and other relevant public officials. In November 2013, UNODC organized a follow-up legislative drafting workshop in Yemen to assist the national technical committee in finalizing the draft of a comprehensive law against trafficking in persons, in conformity with relevant international instruments and, in particular, the Trafficking in Persons Protocol.

26. Legislative assistance activities at the regional level included a conference for the Middle East and North Africa region on the status of legislation in the Arab world on trafficking in persons, which took place in Egypt in October 2013.

2. Strengthening criminal justice responses and international cooperation

27. UNODC offers technical assistance aimed at strengthening the criminal justice response of Member States to the complex and multifaceted crime of trafficking in persons. In line with its holistic approach and in close cooperation with the requesting Member State, UNODC undertakes, if required, an in-depth baseline needs assessment at the outset of any technical assistance activity. Activities are then tailored accordingly, to guarantee the sustainability of the assistance and to strengthen national ownership.

28. In March 2013, for instance, UNODC conducted an assessment mission to the Republic of Moldova to analyse, in close cooperation with the Government of that country, national needs with regard to its criminal justice response, and to develop recommendations on the way forward. An implementation plan under the UNODC project on improving criminal justice responses to trafficking in persons in South-Eastern Europe, with a focus on the Republic of Moldova, was developed in a validation workshop in April 2013. In June 2013, UNODC organized an expert group meeting to review the baseline assessment.

29. The technical assistance provided by UNODC to the Republic of Moldova responded directly to the needs that the assessment process had identified. UNODC carried out a series of workshops at the national level, including a workshop on strengthening capacities for combating trafficking in persons and cybercrime, a workshop on criminal intelligence analysis and a workshop on joint investigation teams. In addition, a peer exchange for Moldovan professionals to visit The Hague and Zwolle in the Netherlands was conducted, focusing on cybercrime and the establishment of joint investigation teams and a national rapporteur mechanism for trafficking in persons.

30. To ensure the sustainability of its technical assistance delivery, UNODC has continued to develop its train-the-trainers approach by fostering partnerships with national training institutions. UNODC carried out several train-the-trainers workshops, including in Kyrgyzstan, Mexico, Morocco, Pakistan and Swaziland.

31. In Kyrgyzstan, for example, in cooperation with the General Prosecutor's Office, UNODC organized a train-the-trainers workshop from 3 to 6 December 2012 on combating trafficking in persons. The workshop took place in the framework of the UNODC global training initiative on trafficking in persons, with the aim of training Kyrgyz prosecutors to train peers on effectively dealing with trafficking-in-persons cases. A follow-up workshop was organized from 20 to 23 May 2013 to provide Kyrgyz judges and prosecutors with in-depth training on the identification, investigation, prosecution and adjudication of trafficking-in-persons cases. The workshop was organized in close cooperation with the General Prosecutor's Office and with the Supreme Court of Kyrgyzstan, and applied interactive training means, such as mock trials and role-playing, that were based on national cases.

32. In addition to establishing and maintaining high-level technical expertise in a wide range of fields, a sound criminal justice response to trafficking in persons also requires partnership and effective international cooperation, and is vital for Member States of the same region. In this vein, UNODC cooperated closely with the relevant regional mechanisms that address trafficking in persons, including, for example, the Organization for Security and Cooperation in Europe, the Council of Europe, the League of Arab States and the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. UNODC organized and co-facilitated workshops and dialogues at the regional level, providing a forum for Member States of the same region to exchange experiences and to share knowledge relevant to their particular context.

33. In June 2013, a training workshop for the Pacific island region on combating trafficking in persons, organized in cooperation with the Pacific Immigration Directors' Conference, was held in Fiji, bringing together practitioners from Fiji, Kiribati, Micronesia (Federated States of), Papua New Guinea, Solomon Islands,

Tonga and Vanuatu. A monthly bulletin for the Pacific, which compiles news and developments relevant to the region, has since been distributed on an ongoing basis by UNODC to the participants of the workshop, enhancing the sustainability of lessons learned from the workshop and fostering further information-sharing between stakeholders in the region.

34. A regional meeting on trafficking in persons and migrant smuggling routes, held in Turkey in July 2013, brought together participants from Afghanistan, Iran (Islamic Republic of), Pakistan and Turkey for a second time to discuss emerging regional trends.

35. UNODC contributed to the meeting of the informal European Union network of national rapporteurs or equivalent mechanisms on trafficking in human beings, which took place in Brussels in October 2013. UNODC also participated in the consultative meetings on strengthening partnerships with national rapporteurs on trafficking in persons and equivalent mechanisms, convened by the Special Rapporteur on trafficking in persons, especially women and children, held in Berlin in May 2013 and in Bangkok in May 2014.

3. Data collection and research

36. Knowledge and research concerning the specific context of trafficking in persons at the national, regional and international levels are essential to strengthening understanding of that crime and the human rights violations involved. Moreover, such knowledge and data are prerequisites for the elaboration, implementation and evaluation of strategies to combat trafficking in persons, as well as for the development of evidence-based responses. Research and data collection shape the content of the tools and materials created to facilitate implementation of the Protocol by Member States, and allow UNODC to effectively advise and assist Member States while focusing its efforts on areas requiring particular attention. Tools produced by UNODC have been adapted to meet country-specific needs and to train relevant actors in the effective utilization of those tools.

37. As mandated by the United Nations Global Plan of Action to Combat Trafficking in Persons, UNODC published the *Global Report on Trafficking in Persons* in December 2012, a comprehensive collection and analysis of globally available data on trafficking in persons. UNODC is currently preparing the second edition of the *Global Report on Trafficking in Persons*, to be published in December 2014, which will focus on patterns and flows related to the crime of trafficking in persons at the global, regional and national levels, as well as attempt to identify new trends.

38. The UNODC human trafficking case law database, launched in October 2011, is another major new contribution to bridging the knowledge gap. The database is designed to enable judges, prosecutors, policymakers, the media, researchers and other interested parties to access documented cases and court decisions on an ongoing basis and to take them into account when addressing the issue of trafficking in persons. The online database promotes uniform interpretation and application of the Protocol and national laws, allows users to consult on practices in different jurisdictions and improves knowledge regarding crime involving trafficking in persons.

39. In 2013 and 2014, UNODC expanded and further developed the database, which registered more than 9,160 search queries per month in 2013 and contains more than 1,000 cases from 83 countries.

40. Furthermore, since 2006 UNODC has developed a number of technical assistance tools, including handbooks, in-depth training manuals, issue papers, reports and assessments. These tools are an integral part of the capacity-building activities of UNODC, and serve as reference guides for criminal justice and law enforcement practitioners. The vast majority of these tools have been translated into the six official languages of the United Nations and are available online.

41. In 2013 and 2014, UNODC embarked on the preparation of a new digest of cases involving trafficking in persons for criminal justice practitioners. The case digest is designed to analyse evidential issues that are central in cases involving trafficking in persons, as well as victim protection issues that can have an impact on evidential matters. The subject is of special importance to practitioners, as trafficking cases present particularly complex evidential issues, many of which hinge upon the particular nature of this covert crime and the behaviour of victims, whose testimony is often the central piece of evidence. The cases analysed are drawn from the human trafficking case law database, as well as from independent UNODC research and from experts worldwide. UNODC convened an expert group meeting from 6 to 8 May 2014 to discuss a first draft of the case digest. The meeting gathered over 20 experts from across jurisdictions, including judges, prosecutors and academics.

42. The UN.GIFT.HUB, a virtual, Internet-based knowledge management mechanism aimed at raising awareness and promoting the exchange of knowledge related to trafficking in persons, was launched in late 2010. UNODC has continued to develop the hub as the key public platform for technical information on responses to trafficking in persons.

43. One particular substantive focus of UNODC research work is the exploration of key concepts of the Trafficking in Persons Protocol. The definition of "trafficking in persons" contained in the Protocol has been widely embraced by States and the international community. Nonetheless, over the past decade, it has become evident that questions remain about certain aspects of that definition. Accordingly, in 2010 the Working Group on Trafficking in Persons recommended that UNODC prepare a series of issue papers to assist criminal justice officers in penal proceedings on several concepts identified as requiring clarification.

44. Following the first issue paper in 2012, on the concept of "abuse of a position of vulnerability", UNODC began developing a second issue paper in 2013, addressing the notion of "consent". A third study, on the concept of "exploitation", will follow in 2014. The methodology of each study includes (a) a desk review of relevant literature, including legislation and case law, (b) a survey of countries representing different regions and legal traditions through legislative and case review, as well as interviews with practitioners, (c) the preparation of a draft issue paper, (d) a review of the draft issue paper and development of additional guidance by an international expert group meeting, and (e) the finalization of the issue paper and any associated guidance. In this context, in February 2014 in Vienna, UNODC convened an expert group meeting on the concept of "consent" in the context of trafficking in persons.

45. UNODC research is also aimed at examining specific manifestations of trafficking in persons. For instance, in order to address trafficking in persons for the removal of organs, UNODC organized an expert group meeting in December 2012, bringing together experts from various geographical regions and different professional backgrounds and disciplines, including the medical, legal and law enforcement sectors, to exchange their first-hand experiences in addressing this issue.

4. Prevention and awareness-raising

46. The Trafficking in Persons Protocol requires States parties to undertake prevention measures such as social and economic initiatives, research and awareness-raising campaigns targeting potential victims of trafficking and potential consumers of services provided by trafficked persons. The response to trafficking in persons calls for a wide range of actors to cooperate in designing and implementing such initiatives.

47. To prevent trafficking in persons and raise awareness, UNODC continues to participate in campaigns, exhibitions and other media events. It cooperates not only with Member States, but also with key international public sector actors, the private sector, non-governmental organizations and other partners.

48. The UNODC web page provides information on trafficking in persons and migrant smuggling, and received on average more than 70,000 views per month during 2013 and 2014. The Blue Heart Campaign of UNODC also continues to be an important awareness-raising tool and has been adopted by an increasing number of Member States as a national awareness-raising initiative on trafficking in persons. At the international level, the Campaign has been used to support the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children.

49. UNODC supports States and other stakeholders in their prevention efforts and in the development of national, regional and global campaigns to raise the awareness of different groups with regard to trafficking in persons. Activities at the national level include, for example, the partnership between UNODC and the Observatory on Trafficking in Human Beings (Portugal) in December 2012 to facilitate the dissemination of the Portuguese-language version of the UNODC practice manual for criminal justice practitioners and the dubbing of the awareness-raising film *Affected for Life* into Portuguese. UNODC also contributed to the anti-human-trafficking week in Switzerland in October 2013 by providing material for an exhibition and by attending a panel discussion during the opening event.

50. Other examples of UNODC technical assistance related to awareness-raising include support for a campaign in the Republic of Moldova which focuses on raising awareness among youth regarding the recruitment of persons via the Internet for the purpose of trafficking. The initiative was supported by the Government of the Republic of Moldova and La Strada Moldova, a national non-governmental organization. Parallel to the campaign, an informal Internet portal offered the possibility of reporting trafficking-in-persons cases, which were then referred to specialized partner law enforcement agencies by trained staff of non-governmental agencies. The Internet portal also provided online counselling for victims and a

referral mechanism to specialized service providers where they could receive appropriate assistance.

51. Furthermore, UNODC organized an awareness-raising tour in May 2013 in Colombia on trafficking in persons, which included an exhibition, a theatre production, a video forum and the participation of trafficking survivors, as well as actors of the popular television series *La Promesa*, which deals with the challenges facing people as they pursue their dreams. In addition, in June and July 2013, UNODC organized a series of three round-table events in Colombia with representatives of the Ministry of Foreign Affairs, migration authorities and criminal justice practitioners. UNODC also undertook efforts to encourage the establishment of a legal counselling network with regard to trafficking in persons, which promotes pro bono legal counselling for victims and their legal representation during criminal proceedings and fosters relevant networking strategies. In particular, from 16 to 19 July 2013, UNODC organized a four-day event in Bogotá on legal counselling, bringing together relevant stakeholders, and launched a manual on providing legal assistance to trafficking victims.

52. In December 2013 in Manila, UNODC delivered a national training workshop for foreign service consular officers to help them to identify and assist victims of trafficking and smuggled migrants. The workshop was followed by a pilot one-week workshop organized by the Philippines in April 2014 in Ankara for their foreign service officers deployed in the Middle East and African regions. A similar initiative for Indonesian consular staff deployed abroad was supported by UNODC in Lombok, Indonesia, in May 2014.

53. At the regional level, UNODC staff delivered lectures on trafficking in persons to a wide range of audiences, including at the conference for youth leaders of End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes held in November 2012 in Vienna. In addition, UNODC contributed to regional awareness-raising campaigns and initiatives such as the third annual Doha Forum to Combat Human Trafficking, held in Qatar in January 2013, and to events held in Vienna in October 2013 for the European Union Anti-Trafficking Day.

54. At the global level, in December 2012, UNODC organized an e-lecture/webinar on "Trafficking prevention and the victims: new United Nations and academic perspectives". In September 2013, the Global Initiative to Fight Human Trafficking broadcast a webinar on best practices for reporting trafficking in persons and the role of the media.

55. UNODC participated in the International Women Leaders' Conference on "The post-2015 and sustainable development goals agenda: ensuring the centrality of gender equality and women's empowerment in the next framework", which took place in Haifa, Israel, in November 2013. UNODC used this opportunity to point out how various social and cultural factors make women and girls specifically vulnerable to exploitation and abuse, especially in the context of the increasing feminization of migration.

56. UNODC also engaged with Member States during several informal briefings on the global programmes against trafficking in persons and smuggling of migrants, held in May 2013 in New York, in February 2014 in Vienna and in June 2014 in Geneva.

5. Victim protection and support

57. A core element of the mandate of UNODC under the Trafficking in Persons Protocol is to increase the level of protection and assistance provided to victims of trafficking in persons, as set out in article 2, paragraph (b), and articles 6, 7 and 8 of the Trafficking in Persons Protocol. As the guardian of this instrument, UNODC assists countries in fully implementing a comprehensive response to trafficking by ensuring that structures are in place not only to convict traffickers but also to address the realities experienced by the victims of such crimes. Accordingly, UNODC advocates for a human-rights-based, victim-centred approach.

58. UNODC worked closely with other international and regional organizations, relevant national governmental institutions and civil society organizations on safeguarding the rights of victims. In particular, UNODC participated in a regional consultation, organized by OHCHR in Geneva, on the right to effective remedies for victims of trafficking in persons.

59. UNODC also assisted with the review and revision of national legislation concerning assistance and protection of victims, the training of criminal justice practitioners and service providers on the protection of trafficking victims, and the fostering of mechanisms securing the safety of victims. Examples of technical assistance activities aimed directly at promoting the rights of victims include a six-day peer exchange organized by UNODC in December 2012 for Nigerian officials to visit India and to gather information that would enable the participants to strengthen capacity in the care and rehabilitation of victims of trafficking. The exchange focused on the support and rehabilitation of victims, as well as shelter management.

60. UNODC also contributes to supporting victims in practical terms through its activities as manager of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children. The Trust Fund was established in 2010 as part of the United Nations Global Plan of Action to Combat Trafficking in Persons, with the objective of providing humanitarian, legal and financial aid to victims of trafficking in persons. Funds are channelled to support on-the-ground organizations that work with victims and survivors of trafficking in persons.

61. Since its inception, the Trust Fund has received $1.5 million in contributions from a wide range of supporters, including Member States, private sector organizations and individual donors. These funds were channelled through 11 grass-roots organizations around the world to support victims and survivors of trafficking. A charity event with UNODC goodwill ambassador Nicolas Cage in November 2013 raised a further $185,000 for the Trust Fund. In 2014, the organizations started implementation of the third and final year of their projects under the multi-year grant, and will end those projects on 31 December 2014.

62. A second call for proposals is planned for the third quarter of 2014. An independent evaluation of the first grant-making cycle will be conducted in 2014 in order to identify lessons learned and recommendations for the future of the Trust Fund so that it can become an even more effective tool to assist victims of trafficking in persons.

63. At the end of 2013, the Secretary-General appointed a new Board of Trustees to provide strategic direction for the management of the Trust Fund. The Board consists of five members representing the five regional groups of the United Nations. The new Board of Trustees will serve a three-year term until December 2016.

III. Conclusions

64. The approach of UNODC in promoting the implementation of the Trafficking in Persons Protocol, providing technical assistance to Member States and fostering inter-agency cooperation with regard to trafficking in persons has included the active participation of relevant stakeholders at the international, regional and national levels.

65. Despite the progress made, trafficking in persons remains a pressing global problem, victimizing millions of people and affecting all regions. UNODC will continue its efforts to promote and support the implementation of the Trafficking in Persons Protocol, and work jointly with Member States and international organizations, civil society and victims towards making the fight against trafficking in persons in all its forms ever more effective.

United Nations CTOC/COP/2014/4

Conference of the Parties to the United Nations Convention against Transnational Organized Crime

Distr.: General
23 June 2014

Original: English

Seventh session
Vienna, 6-10 October 2014
Item 2 (c) of the provisional agenda*
Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol against the Smuggling of Migrants by Land, Sea and Air

Activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

Report of the Secretariat

I. Introduction

1. The present report was prepared in accordance with resolution 6/3 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, entitled "Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime", in which the Conference, inter alia, reaffirmed the importance of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, as the primary legal instrument to combat the smuggling of migrants and related conduct.

2. In the same resolution, the Conference requested the United Nations Office on Drugs and Crime (UNODC) to continue its technical assistance and capacity-building efforts, in coordination and cooperation with bilateral assistance providers and other relevant international organizations that assist States parties, upon request, in implementing the Smuggling of Migrants Protocol, and to assist States, upon request, in ratifying or acceding to the Smuggling of Migrants Protocol.

* CTOC/COP/2014/1.

V.14-04148 (E) 300614 010714

Please recycle

3. Also in resolution 6/3, the Conference decided that the Working Group on the Smuggling of Migrants should continue to perform the functions set forth in Conference resolution 5/3 and that the Working Group should hold at least one intersessional meeting prior to the seventh session of the Conference, and noted in that regard the recommendation of the Working Group that the next meeting should focus on good practices in special investigative techniques and the establishment of multi-agency centres.

4. Furthermore, in resolution 6/3, the Conference requested the Secretariat to continue to assist the Working Group in the performance of its functions, and to submit a report to the Conference at its seventh session on the implementation of the resolution.

II. Implementation of Conference resolution 6/3

5. The Smuggling of Migrants Protocol has a total of 138 parties to date, with Cuba, the Czech Republic and Dominica becoming States parties in 2013.

A. Working Group on the Smuggling of Migrants

6. The second intersessional meeting of the Working Group on the Smuggling of Migrants was held in Vienna from 11 to 13 November 2013 and discussed (a) good practices in special investigation techniques, (b) good practices in the establishment of multi-agency centres and (c) good practices in informal cross-border cooperation and information-sharing.

7. The Working Group adopted recommendations specific to those topics, as well as general recommendations, including on the human rights of smuggled migrants, the provision of technical assistance, the full implementation of the Smuggling of Migrants Protocol, and bilateral and international cooperation.

8. The Working Group also recommended, inter alia, that the Conference, at its seventh session, should consider initiating discussions regarding the possibility that the Working Group develop and follow a workplan for its future meetings.

9. Furthermore, the Working Group proposed areas for future work, including the smuggling of vulnerable migrants such as children, including unaccompanied children; practical measures to prevent the smuggling of migrants, such as visa on arrival, public information campaigns and training sessions on fraudulent documents; organized crime aspects of the smuggling of migrants, including financial investigations and responses targeting the proceeds of crime; smuggling of migrants by sea; and criminal justice responses, including investigation and prosecution of perpetrators of migrant-smuggling operations.

B. Activities of the United Nations Office on Drugs and Crime to support the implementation of the Smuggling of Migrants Protocol

10. Since October 2012, UNODC has provided technical assistance on trafficking in persons and smuggling of migrants to over 80 States in all regions of the world,

upon their request, and with due consideration of the gender dimension of those crimes. On 6 February 2014, UNODC informally briefed Member States in Vienna and provided an update on the global programmes against trafficking in persons and the smuggling of migrants.

1. Strengthening the legal framework

11. UNODC provided legal advice and assistance to legislative drafters, as well as judicial officials such as judges and prosecutors, through the analysis of gaps in legislation and by conducting legislative drafting workshops. UNODC conducted legislative assistance in Africa, Asia and Latin America.

12. The Model Law against the Smuggling of Migrants, published in October 2010, continued to be a useful tool in the legislative assistance provided by UNODC during the reporting period. The Model Law provides a comprehensive set of provisions to assist States in adopting adequate legislation to implement the Protocol and is sufficiently flexible to satisfy the specific needs of a diverse range of legal systems.

13. UNODC has carried out assessments of legislation on and criminal justice responses to the smuggling of migrants in Benin, Cabo Verde, Cambodia, Colombia, Liberia, Pakistan, Sierra Leone and the United Republic of Tanzania. The Office also organized a national legislative drafting workshop in the Philippines, for the drafting of a bill on the smuggling of migrants.

14. In June 2014, a joint validation workshop was organized in the United Republic of Tanzania, which addressed both draft legislation on the smuggling of migrants and the Organized Crime Convention.

15. In July 2013, as part of the country programme in Pakistan, UNODC organized a meeting of legislators to discuss proposed legislation on trafficking in persons and the smuggling of migrants, based on the UNODC Model Law.

16. In August 2013, UNODC organized a legislative drafting workshop in Colombia, based on the recommendations contained in a prior national legal assessment report and on the results of a series of round-table discussions.

17. In November 2013, in close cooperation with the Ministry of Justice of Cambodia, UNODC organized a workshop in Phnom Penh that brought together relevant national counterparts to discuss the drafting of new legislation on the smuggling of migrants.

2. Data collection and research

18. An effective response to the smuggling of migrants requires sound knowledge of the existing situation, including reliable data, as a basis for policy- and decision-making. UNODC directly supports States in developing their capacity to collect and analyse information and data relating to the smuggling of migrants.

19. In its resolution 6/3, the Conference, inter alia, encouraged States parties to use existing operational databases to exchange information, including information on persons convicted of or suspected of committing any of the crimes set forth in article 6 of the Smuggling of Migrants Protocol and information on lost or stolen documents, in accordance with domestic law.

20. As one of its primary activities in this area, UNODC supported the regional ministerial Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process). In close cooperation with law enforcement authorities from Asia, the Pacific, Europe and North America, as well as with representatives from international law enforcement organizations, UNODC developed the Voluntary Reporting System on Migrant Smuggling and Related Conduct through a series of consultations that took place from 2010 to 2013. A pilot phase was conducted in October 2012, and the system was launched on 16 July 2013.

21. The Voluntary Reporting System is an Internet-based information technology solution that facilitates the collection, sharing and use of data on migrant smuggling and related conduct, including irregular migration, for analytical purposes. The system is intended to be user-friendly in collating contextual information for the interpretation of data, with flexibility to handle different national data collection systems. The reporting mechanism is complemented by a training programme on the operational and strategic analysis of migrant smuggling.

22. To date, authorities from 19 States and territories have confirmed their participation in the mechanism. On the basis of the principle of mutual information-sharing, only States that provide data may have access to the information provided by other States.

23. In September 2013, UNODC organized the first stakeholder workshop for focal points of the Voluntary Reporting System, at which participants were familiarized with the database and received technical training for data entry. Furthermore, the terms of engagement and governance structure of the system were discussed and clarified.

24. UNODC also continued to develop, produce and disseminate tools and materials such as manuals and research reports. In particular, UNODC sought to focus on cross-cutting issues, as well as specific challenges posed by certain forms of smuggling of migrants, such as the smuggling of migrants by sea. Moreover, tools have been adapted to meet country-specific needs and to train relevant actors in their effective utilization.

25. In April 2013, the *Assessment Guide to the Criminal Justice Response to the Smuggling of Migrants* was published. The *Assessment Guide* provides an inventory of measures for assessing the legislative, investigative, prosecutorial, judicial and administrative responses to the smuggling of migrants to deter and combat that crime. The information and experience to be gained from such an assessment can be integrated into successful national, regional and international strategies. The *Assessment Guide* was developed in close consultation with relevant experts and is intended to be applicable in States with varying levels of infrastructure for combating the smuggling of migrants.

26. In March 2013, UNODC launched an issue paper entitled *Combating Transnational Organized Crime Committed at Sea*, which contains a chapter on trafficking in persons and the smuggling of migrants. The paper recognizes that the smuggling of migrants by sea is one of the most dangerous types of smuggling and discusses the problems and challenges in establishing legislation on the smuggling of migrants and human trafficking by sea. The paper is based on the work of an expert meeting that took place in Vienna on 12 and 13 November 2012.

27. In September 2013, UNODC published a report entitled "Migrant smuggling in Asia: comparative research on financial flows within Asia and Europe", which provides in-depth information on the financial transactions involved in migrant smuggling operations in those regions.

28. In November 2013, on the margins of the meeting of the Working Group on the Smuggling of Migrants, UNODC launched an issue paper entitled *Corruption and the Smuggling of Migrants*, with the aim of assisting policymakers and practitioners in preventing and addressing corruption related to migrant smuggling operations. The paper highlights the fact that all comprehensive strategies to address the problems of migrants must include an element to combat corruption and identifies the main challenges of those intertwined issues and good practices to prevent and combat them. The paper is at present being developed as a training module.

29. In January 2014, UNODC launched a publication in Pakistan on recent trends in human trafficking and migrant smuggling to and from Pakistan, which also describes the modus operandi used by traffickers and smugglers to circumvent border controls.

30. UNODC has also increased efforts to develop its e-learning programme and to deliver cost-effective computer-based training on topics related to combating migrant smuggling and human trafficking to law enforcement and criminal justice practitioners. For example, in Pakistan, three new e-learning training modules are currently under development, entitled "Introduction to the smuggling of migrants", "Investigative techniques to counter the smuggling of migrants" and "Identify, investigate and prosecute migrant smuggling". Efforts are also under way to develop a new learning management system to enhance the effectiveness of monitoring e-learning activities.

3. Enhancing the criminal justice system response

31. In accordance with resolution 6/3, UNODC continued to carry out a wide range of technical assistance activities aimed at strengthening the criminal justice response to the complex crime of smuggling of migrants. In particular, UNODC offered training for those involved in addressing the smuggling of migrants, including border personnel, immigration and law enforcement officers, prosecutors, judges and counsel.

32. UNODC provided technical assistance in the context of the Partnership against Transnational Crime through Regional Organized Law Enforcement (PATROL), which was established in 2010, for a period of four years, to strengthen cross-border cooperation in the Greater Mekong subregion. The partnership addresses the trafficking of illicit drugs, the illegal trade in protected wildlife and timber products and the smuggling of migrants. Those crimes pose serious transnational threats due to their impact on the population and because they fuel and fund conflicts, terrorism and other illicit activities.

33. In the context of PATROL, UNODC provided numerous training activities and workshops on the smuggling of migrants to border personnel and law enforcement officials from Cambodia, the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam.

34. In Bali, Indonesia, capacity-building activities aimed at combating the smuggling of migrants, including a training session for law enforcement officers in the strategic analysis of smuggling of migrants, were held in April 2013. Similarly, a 10-day training course for law enforcement and immigration officers took place in Langkawi, Malaysia, from 23 September to 4 October 2013.

35. In 2013 and 2014, UNODC conducted needs assessment missions in the southern border states of Mexico and in Central America to gather relevant data on migrant smuggling trends and the regional and institutional capacities to tackle that crime. In addition, UNODC organized several round tables with key stakeholders from Mexico and Central America with the aim of drafting a communications strategy to increase awareness of migrants on the dangers posed by organized crime groups.

36. In June 2013, in close cooperation with the Algerian Ministry of Foreign Affairs and the Ministry of Justice, UNODC organized a national training course for magistrates on trafficking in persons and the smuggling of migrants in the country. The training course sought to promote the Government's efforts in effectively prosecuting trafficking in persons and smuggling of migrants cases.

37. In August 2013, UNODC organized a national training course in Colombia for criminal justice practitioners, on investigation, prosecution and trial preparation techniques, related to trafficking in persons and smuggling of migrants cases. The training included mock trials and the development of a video documentary. Participants included public officials, police investigators, prosecutors, judges and defence counsel.

38. In July 2013, UNODC and the United Nations Population Fund organized a workshop in Kazakhstan on international standards to ensure the availability and quality of services to protect and support victims of human trafficking and smuggled migrants. The event brought together relevant actors from civil society organizations in Kazakhstan and national agencies dealing with victims of those crimes.

39. In November 2013, UNODC and the European Union Integrated Rule of Law Mission for Iraq (EUJUST LEX-Iraq) organized a consultation workshop on international cooperation in combating trafficking in persons and the smuggling of migrants for Iraqi law practitioners, including police, prosecutors, judges and government officials. The participants discussed mutual legal assistance, extradition, the transfer of criminal proceedings and sentenced persons, rogatory commissions and international requests for the confiscation of assets.

40. In addition, at public events and lectures, UNODC continued to highlight the issue of smuggling of migrants at public events and in lectures. For example, UNODC continued its practice of delivering a training session in the context of the European Security Cooperation Course of the North Atlantic Treaty Organization (NATO). During the reporting period, UNODC conducted two such training sessions, in October 2012 and February 2013, to raise awareness among military staff serving with NATO.

4. Fostering dialogue, information exchange and cooperation among Member States

41. Owing to its transnational nature, close cooperation between States is essential for effectively combating the smuggling of migrants. Accordingly, in addition to conducting technical assistance activities focused on building capacity at the national level, UNODC undertook activities aimed at fostering cooperation among States. In particular, UNODC organized and participated in relevant information exchanges and conferences on the smuggling of migrants, at both the regional and global levels.

42. On 30 and 31 October 2012, UNODC participated in the workshop of the International Criminal Police Organization (INTERPOL) on the smuggling of people from Africa and the Middle East to the Americas and highlighted the legal framework on international cooperation provided under the Smuggling of Migrants Protocol. UNODC also took part in the follow-up workshop on investigations and prosecutions of human smuggling in the Americas, held at the International Law Enforcement Academy in San Salvador from 11 to 13 March 2014.

43. From 22 to 25 July 2013, UNODC organized in Vienna an interregional cooperation multidisciplinary training workshop to respond to the smuggling of migrants, which brought together experts from Brazil, Canada, Ethiopia, Ghana, Kenya, Malaysia, Mexico, Panama, Peru, Sri Lanka and the United States of America. The meeting sought to promote informal and formal cooperation and information-sharing, such as establishing communication procedures and information and data exchange, as well as giving the participants an understanding of the key elements of international cooperation and providing them with the necessary tools for its operationalization. The specific challenges faced by transit countries, and the ways in which origin and destination countries could effectively assist transit countries through international cooperation were also discussed in depth.

5. Strengthening inter-agency coordination

44. In the reporting period, UNODC continued to engage in partnerships with international and regional organizations, including with the International Organization for Migration (IOM), the Office of the United Nations High Commissioner for Refugees, the International Federation of Red Cross and Red Crescent Societies, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and INTERPOL, and with regional agencies, such as the European Union, Eurojust, the European Police Office (Europol), the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) and the Organization for Security and Cooperation in Europe (OSCE).

45. UNODC, IOM and OSCE jointly organized a seminar in Vienna on 30 October 2012 that sought to map irregular migration and related transnational organized crime affecting the Western Balkans. In July 2013, UNODC participated in a meeting with IOM and the Office of the United Nations High Commissioner for Refugees on the development of projects related to migration in the Balkans, with a view to developing a coordinated and comprehensive approach to refugee protection and international migration in the region.

46. On 11 and 12 June 2014, UNODC, IOM and OSCE co-organized a transregional workshop on enhancing cooperation in matters related to irregular migration and the smuggling of migrants through South-Eastern Europe, held in Athens under the auspices of the Greek presidency of the European Union and hosted by the Greek Government. The transregional workshop gathered senior criminal justice and migration practitioners including police, border guards, migration authorities and customs officers, prosecutors, judges and liaison officers of transit countries in the Western Balkans.

47. UNODC continued to participate actively in United Nations-led efforts to develop policy related to international migration at the global level. In February 2013 and February 2014, UNODC participated in the eleventh and twelfth coordination meetings on international migration organized by the Department of Economic and Social Affairs of the Secretariat in New York, which brought together participants representing Member States, United Nations agencies and civil society.

48. During the High-level Dialogue on International Migration and Development, held by the General Assembly on 3 and 4 October 2013, UNODC highlighted the need to adopt measures to ensure respect for and the protection of the human rights of all migrants and, in particular, vulnerable groups such as women and children. Furthermore, UNODC participated in a side event of OHCHR focusing on human rights in the context of international border control, which considered the treatment of all migrants, regardless of their legal status and including migrants in an irregular situation, before they have gained formal entry to another country, during transit at borders or at the point of screening.

49. In November 2013, UNODC contributed to an expert consultation on human rights at international borders organized by OHCHR that explored the gaps between policy and practice. The workshop provided input for the development of OHCHR guidelines on human rights at international borders. Through its participation, UNODC sought to ensure that the guidelines would be compatible with the requirements of the Organized Crime Convention and, in particular, the Smuggling of Migrants Protocol.

50. At its twenty-third session, the Commission on Crime Prevention and Criminal Justice recommended for adoption by the Economic and Social Council a resolution entitled "Strengthening international cooperation in addressing the smuggling of migrants". The draft resolution underlines the need to address challenges related to the smuggling of migrants through a comprehensive and balanced approach and through bilateral, regional and international cooperation and dialogue, as appropriate, between countries of origin, transit and destination.

51. UNODC is also an active member of the Global Migration Group, an inter-agency group that brings together heads of agencies to promote the wider application of all relevant instruments relating to migration and encourage the adoption of more coherent, comprehensive and better coordinated approaches.

52. During its chairmanship of the Global Migration Group in the second half of 2012, UNODC strengthened the cooperation capacity of the Group by, inter alia, conducting a successful internal review of the Group since its establishment and by strengthening links between the Group and the Global Forum on Migration and Development. The UNODC chairmanship also resulted in a thematic paper by the

Global Migration Group on the topic of "Exploitation and abuse of international migrants, particularly those in an irregular situation: a human rights approach".

53. In November 2012, UNODC participated in the sixth meeting of the Global Forum on Migration and Development, held in Mauritius, at which the Executive Director of UNODC delivered a joint statement on behalf of the Global Migration Group, addressing progress in the Group's work and its forthcoming joint thematic statements on combating violence against migrants, migrant workers and their families.

54. Since the end of its chairmanship, UNODC has remained active and committed to the Group by contributing to joint Group statements, papers and events on migration-related issues, including the United Nations post-2015 development agenda.

III. Conclusions

55. The Working Group on the Smuggling of Migrants has continued to promote best practices in the fight against smuggling of migrants, in order to strengthen the capacity of Member States to respond to this crime. In particular, the Working Group discussed and exchanged information on good practices related to special investigation techniques, the establishment of multi-agency centres and informal cross-border cooperation and information-sharing.

56. Furthermore, UNODC has continued to deliver specialized and tailor-made technical assistance to Member States. Important developments in the reporting period include the launch, in the context of the Bali Process, of the Voluntary Reporting System on Migrant Smuggling and Related Conduct, a unique information-sharing tool, as well as the publication of the *Assessment Guide to the Criminal Justice Response to the Smuggling of Migrants* and the issue paper entitled *Corruption and the Smuggling of Migrants*.

57. Migrant smuggling is a complex and multifaceted crime affecting almost all countries. Nonetheless, relevant legislation on the smuggling of migrants remains insufficient, and only a limited number of States have specific policies and mechanisms in place.

58. In order to effectively address the smuggling of migrants, it is therefore essential to further strengthen the relevant normative framework, as well as the criminal justice response at the national level, while at the same time increasing international cooperation between countries of origin, transit and destination.